

Stephen W. Rupp, Trustee (2824)
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**IN THE UNITED STATES BANKRUPTCY COURT FOR THE
DISTRICT OF UTAH, CENTRAL DIVISION**

In re: : Bankruptcy No. 12-21788 WTT
: (Chapter 7)
DONALD DAVID SEVEY, III and :
AIMEE MICHELLE KNOWLEY-SEVEY,
Debtors. :

**TRUSTEE'S RESPONSE TO OBJECTION TO TRUSTEE'S RECOMMENDATION
FOR DISMISSAL**

The Trustee in the above-captioned case, Stephen W. Rupp, hereby responds to the debtors' Objection to Trustee's Recommendation For Dismissal of the debtors' Chapter 7 case.

In response, the Trustee brings to the attention of the Court the following facts:

1. Paragraph 1 suggests that the debtors filed a voluntary Chapter 13 on February 18, 2012.
2. This is not correct. The debtors filed a Chapter 7 case on February 18, 2012.
3. The debtors' prior Chapter 13 case was filed on October 3, 2011, Case No. 11-34416. In that case, the debtors filed their statement of financial affairs and schedules on October 13, 2011, the same date as the Chapter 13 petition was filed. The prior Chapter 13 case

was dismissed on January 9, 2012, approximately five weeks before the filing of this present Chapter 7 case. As noted, the debtors did file statement of financial affairs and schedules in the prior Chapter 13 case in October, 2011, approximately four to five months before the filing of the present Chapter 7 case. Even after questioning the debtors, the Trustee does not understand why a statement of financial affairs and schedules could not be timely filed in the present case in view of the apparent filing of accurate statement of financial affairs and schedules in a case just months prior to the filing of the present case.

4. The debtors note the filing of a second motion to extend time to cure deficiencies on March 19, 2012. The cause plead in the second motion is exactly the same as the cause plead in the first motion. Again, the debtors have not well explained why it was not possible to timely prepare and file statement of financial affairs and schedules. Perhaps of greater concern is why the debtors would ask for an extension of time to file their statement of financial affairs and schedules until the day after the First Meeting of Creditors scheduled on March 28, 2012. One must question whether they in fact sought to extend the time in good faith realizing that no statements and schedules would be filed and available with which to prepare for and conduct the First Meeting of Creditors on March 28th.

5. The debtors admit that they failed to comply with the Court's order requiring that the statements and schedules be filed by March 27th, the day before the First Meeting of Creditors.

6. It is true that the debtors attended the First Meeting of Creditors, but no meeting was conducted. There were no statement and schedules with which to prepare for or conduct the First Meeting of Creditors. Consequently, any order of the Court needs to consider the fact that no First Meeting of Creditors was conducted and that the Trustee has been yet unable to conduct a meeting, begin the investigation of the debtors' financial affairs and dealings or proceed with the administration of this bankruptcy estate.

7. As noted in the Trustee's motion to dismiss, the Trustee requests that any and all deadlines be extended and that a First Meeting of Creditors be rescheduled in the event that the Court sustains the debtors' objection to dismissal of the case.

DATED this 25 day of April, 2012.

McKAY BURTON & THURMAN

By



Stephen W. Rupp
Attorneys for Chapter 7 Trustee

CERTIFICATE OF SERVICE

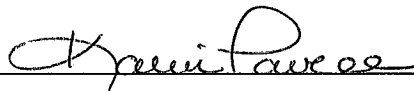
I hereby certify that a true and correct copy of the foregoing Trustee's Response was mailed, postage prepaid, on the 26 day of April, 2012, to the following:

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